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5 Attorneys for Plaintiff
6 XL SPECIALTY INSURANCE
COMPANY

FILED
2014 JAN 17 PM 3:24
U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES

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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA

10
11 XL SPECIALTY INSURANCE
COMPANY, a Delaware corporation,

12 Plaintiff,

13
14 v.

15 A.P. MOLLER-MAERSK A/S,
16 trading as MAERSK LINE, a foreign
corporation; MAERSK LINE,
17 LIMITED, a corporation; and
MAERSK INC., a corporation,

18 Defendants.
19

CV 14-0427 CAS-ASX
Case No.

COMPLAINT FOR DAMAGE TO
OCEAN CARGO

BY FAX

20 Plaintiff's complaint follows:

21 1. Plaintiff XL SPECIALTY INSURANCE COMPANY ("XL"), is now,
22 and at all times herein material was, a Delaware corporation duly organized and
23 existing by virtue of law, and was the insurer of the cargo that is the subject of this
24 action.

25 2. Plaintiff is informed and believes and on the basis of that information
26 and belief alleges that A.P. MOLLER-MAERSK A/S, trading as MAERSK LINE,
27 a foreign corporation; MAERSK LINE, LIMITED, a corporation; and MAERSK
28 INC., a corporation (collectively "MAERSK"), are now and at all times herein

1 material were engaged in business as a common carriers for hire within the United
2 States and within this judicial district.

3 3. Plaintiff's complaint contains a cause of action for damage to cargo
4 arising under a statute of the United States, namely the Carriage of Goods by Sea
5 Act, 46 U.S.C. §30701 et seq., and is therefore within the jurisdiction of this Court
6 pursuant to 28 U.S.C. § 1331, as more fully appears herein. Additionally, the
7 Court has admiralty jurisdiction pursuant to 28 U.S.C. § 1333. Venue is proper
8 under 28 U.S.C. § 1391(b), as a substantial portion of the events giving rise to the
9 claims herein occurred in this district, and defendants reside in this district.

10 4. This is a cause of action for damage to ocean cargo, and is an
11 admiralty and maritime claim within the meaning of Rule 9(h), Federal Rules of
12 Civil Procedure, as hereinafter more fully appears.

13 5. Plaintiffs are informed and believe and on the basis of such
14 information and belief allege that on or about April 15, 2013, at Choluteca,
15 Honduras, defendant MAERSK received 120 containers of various melons, for
16 carriage under bills of lading numbers 560059091, 560058093, 560058102,
17 560058118, 560058121, 560058122, 560058128, 560058136, 560058143,
18 560058148, 560058153, 560058158, 560058165, 560058171, 560058178,
19 560058182, 560058191, 560058225, 560058234, 560058238, 560058242,
20 560058248, 560058253, 560058291, 560058300, 560058314, 560058328,
21 560058333, 560058341, 560058346, 560058349, 560058405, 560058411,
22 560058587, 560058600, 560058602, 560058606, 560058607, 560058609,
23 560058614, 560058615, 560058619, 560058628, 560058638, 560058651,
24 560058653, 560058663, 560058669, 560058674, 560058688, 560058701,
25 560058709, 560058712, 560058716, 560058723, 560058751, 560058758,
26 560058772, 560058776, 560058789, 560058793, 560058812, 560058822,
27 560058845, 560058854, 560058860, 560058861, 560058862, 560058868,
28 560058881, 560058882, 560058886, 560058887, 560058889, 560058890,

1 560058896, 560058898, 560058899, 560058901, 560058903, 560058906,
2 560058907, 560058913, 560058917, 560058921, 560058925, 560058927,
3 560058932, 560058935, 560058938, 560058943, 560058948, 560058954,
4 560058958, 560058961, 560058962, 560058966, 560058968, 560058970,
5 560058971, 560058976, 560058979, 560058981, 560067371, 560067399,
6 560067476, 560067519, 560067551, 560067596, 560067623, 560067644,
7 865939787, 865939789, 865939791, 865939793, 865939794, 865939795,
8 865939796, 865939797 and 865939798, and others, issued by and/or on behalf of
9 said defendants, and said containers were loaded aboard the *M/V Maersk Westport*
10 voyage no. 1310. MAERSK agreed, under contracts of carriage and in return for
11 good and valuable consideration, to carry said cargo from Choluteca, Honduras to
12 Los Angeles, California, and there deliver said cargo, to the lawful holder of the
13 aforementioned bills of lading, and others, in the same good order, condition, and
14 quantity as when received.

15 6. Thereafter, in breach of and in violation of said agreements,
16 MAERSK did not deliver said cargo in the same good order, condition, and
17 quantity as when received at Choluteca. To the contrary, MAERSK delivered the
18 cargo on or about May 10, 2013, in a damaged and deteriorated condition.
19 Furthermore, MAERSK delivered the cargo aboard the vessel *M/V Maersk*
20 *Nottingham*, as the *M/V Maersk Westport* had lost power while en route to Los
21 Angeles and could not complete the voyage. By virtue of said damage, the value
22 of the cargo was depreciated in the estimated amount of \$2,099,020.00, or some
23 other amount to be proven at trial.

24 7. Prior to the shipment of the herein described cargo and prior to any
25 loss thereto, plaintiff XL issued its policy of insurance whereby plaintiff XL
26 agreed to indemnify the owner of said cargo, and its assigns, against loss of or
27 damage to said cargo while in transit, including mitigation expenses, and plaintiff
28 XL has therefore become obligated to pay, and has paid to the person entitled to

1 payment under said policy the sum of \$1,000,000.00, on account of the herein
2 described loss. It is anticipated that XL will pay additional amounts pursuant to its
3 policy of insurance, as the insurance claim remains open.

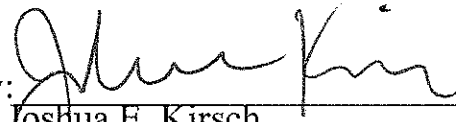
4 9. Plaintiff has therefore been damaged in the sum of not less than
5 \$1,000,000, or another amount according to proof at trial, no part of which has
6 been paid, despite demand therefor.

7 WHEREFORE, plaintiff prays that this Court enter judgment in its favor
8 and against defendants; that this Court decree payment by defendants to plaintiff
9 in the sum of not less than \$1,000,000, or some other amount to be proven at trial,
10 together with prejudgment interest thereon and costs of suit herein; and that
11 plaintiff have such other and further relief as in law and justice it may be entitled
12 to receive.

13 Dated: January 17, 2014

Respectfully submitted,

14 GIBSON ROBB & LINDH LLP

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16 By: 
17 Joshua E. Kirsch
18 Attorneys for Plaintiff
19 XL SPECIALTY INSURANCE
20 COMPANY
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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NOTICE OF ASSIGNMENT TO UNITED STATES JUDGES

This case has been assigned to District Judge Christina A. Snyder and the assigned Magistrate Judge is Alka Sagar.

The case number on all documents filed with the Court should read as follows:

2:14-cv-00427 CAS-ASx

Pursuant to General Order 05-07 of the United States District Court for the Central District of California, the Magistrate Judge has been designated to hear discovery related motions.

All discovery related motions should be noticed on the calendar of the Magistrate Judge.

Clerk, U. S. District Court

January 17, 2014

Date

By SBOURGEOIS
Deputy Clerk

NOTICE TO COUNSEL

A copy of this notice must be served with the summons and complaint on all defendants (if a removal action is filed, a copy of this notice must be served on all plaintiffs).

Subsequent documents must be filed at the following location:

☒ Western Division
312 N. Spring Street, G-8
Los Angeles, CA 90012

☐ Southern Division
411 West Fourth St., Ste 1053
Santa Ana, CA 92701

☐ Eastern Division
3470 Twelfth Street, Room 134
Riverside, CA 92501

Failure to file at the proper location will result in your documents being returned to you.

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Central District of CaliforniaXL SPECIALTY INSURANCE COMPANY, a
Delaware corporation,Plaintiff(s)

v.

A.P. MOLLER-MAERSK A/S, trading as
MAERSK LINE, a foreign corporation;
MAERSK LINE LIMITED, a corporation;
and MAERSK INC., a corporation,Defendant(s)

Civil Action No.

CV 14-0427 CAS-AS x

SUMMONS IN A CIVIL ACTION

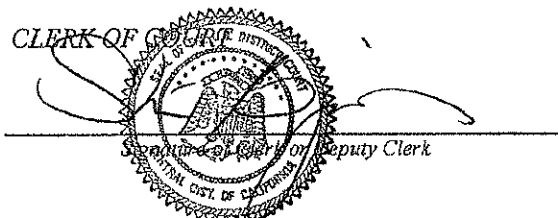
To: *(Defendant's name and address)*A.P. MOLLER-MAERSK A/S,
trading as MAERSK LINE
2 GIRALDA FARMS
MADISON AVE.
MADISON, NJ 07940MAERSK LINE, LIMITED
2 GIRALDA FARMS
MADISON AVE.
MADISON, NJ 07940MAERSK INC.
2 GIRALDA FARMS
MADISON AVE.
MADISON, NJ 07940

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Joshua E. Kirsch (179110)
GIBSON ROBB & LINDH LLP
201 Mission Street, Suite 2700
San Francisco, CA 94105

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: JAN 17 2014

1184

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

I. (a) PLAINTIFFS (Check box if you are representing yourself <input type="checkbox"/>) XL SPECIALTY INSURANCE COMPANY, a Delaware corporation,	DEFENDANTS (Check box if you are representing yourself <input type="checkbox"/>) A.P. MOLLER-MAERSK A/S, trading as MAERSK LINE, a foreign corporation; MAERSK LINE, LIMITED, a corporation; and MAERSK INC., a corporation,
(b) County of Residence of First Listed Plaintiff <u>New Castle</u> <small>(EXCEPT IN U.S. PLAINTIFF CASES)</small>	County of Residence of First Listed Defendant _____ <small>(IN U.S. PLAINTIFF CASES ONLY)</small>
(c) Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information. JOSHUA E. KIRSCH (179110) GIBSON ROBB & LINDH LLP 201 Mission Street, Suite 2700 San Francisco, CA 94105	Attorneys (Firm Name, Address and Telephone Number) If you are representing yourself, provide the same information.

II. BASIS OF JURISDICTION (Place an X in one box only.) <input type="checkbox"/> 1. U.S. Government Plaintiff <input type="checkbox"/> 2. U.S. Government Defendant <input checked="" type="checkbox"/> 3. Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4. Diversity (Indicate Citizenship of Parties in Item III)	III. CITIZENSHIP OF PRINCIPAL PARTIES —For Diversity Cases Only <small>(Place an X in one box for plaintiff and one for defendant)</small> <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in this State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in this State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				
IV. ORIGIN (Place an X in one box only.) <input checked="" type="checkbox"/> 1. Original Proceeding <input type="checkbox"/> 2. Removed from State Court <input type="checkbox"/> 3. Remanded from Appellate Court <input type="checkbox"/> 4. Reinstated or Reopened <input type="checkbox"/> 5. Transferred from Another District (Specify) _____ <input type="checkbox"/> 6. Multi-District Litigation																									

V. REQUESTED IN COMPLAINT: JURY DEMAND: ☐ Yes ☒ No (Check "Yes" only if demanded in complaint.)

CLASS ACTION under F.R.Cv.P. 23: ☐ Yes ☒ No ☒ **MONEY DEMANDED IN COMPLAINT:** \$ 1,000,000

VI. CAUSE OF ACTION (Cite the U.S. Civil Statute under which you are filing and write a brief statement of cause. Do not cite jurisdictional statutes unless diversity.)
 46 USC § 30701

VII. NATURE OF SUIT (Place an X in one box only).

BY FAX

OTHER STATUTES	CONTRACT	REAL PROPERTY CONT.	IMMIGRATION	PRISONER PETITIONS	PROPERTY RIGHTS
<input type="checkbox"/> 375 False Claims Act	<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 462 Naturalization Application	Habeas Corpus:	<input type="checkbox"/> 820 Copyrights
<input type="checkbox"/> 400 State Reapportionment	<input checked="" type="checkbox"/> 120 Marine	<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 463 Alien Detainee	<input type="checkbox"/> 830 Patent
<input type="checkbox"/> 410 Antitrust	<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 370 Other Fraud	<input type="checkbox"/> 510 Motions to Vacate Sentence	<input type="checkbox"/> 840 Trademark
<input type="checkbox"/> 430 Banks and Banking	<input type="checkbox"/> 140 Negotiable Instrument	TORTS	<input type="checkbox"/> 371 Truth in Lending	<input type="checkbox"/> 530 General	SOCIAL SECURITY
<input type="checkbox"/> 450 Commerce/ICC Rates/Etc.	<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	PERSONAL INJURY	<input type="checkbox"/> 380 Other Personal Property Damage	<input type="checkbox"/> 535 Death Penalty	<input type="checkbox"/> 861 HIA (1395ff)
<input type="checkbox"/> 460 Deportation	<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 385 Property Damage Product Liability	Other:	<input type="checkbox"/> 862 Black Lung (923)
<input type="checkbox"/> 470 Racketeer Influenced & Corrupt Org.	<input type="checkbox"/> 152 Recovery of Defaulted Student Loan (Excl. Vet.)	<input type="checkbox"/> 315 Airplane Product Liability	BANKRUPTCY	<input type="checkbox"/> 540 Mandamus/Other	<input type="checkbox"/> 863 DIWC/DIWW (405 (g))
<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 153 Recovery of Overpayment of Vet. Benefits	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 550 Civil Rights	<input type="checkbox"/> 864 SSID Title XVI
<input type="checkbox"/> 490 Cable/Sat TV	<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 330 Fed. Employers' Liability	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 865 RSI (405 (g))
<input type="checkbox"/> 850 Securities/Commodities/Exchange	<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 340 Marine	CIVIL RIGHTS	<input type="checkbox"/> 560 Civil Detainee Conditions of Confinement	FEDERAL TAX SUITS
<input type="checkbox"/> 890 Other Statutory Actions	<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 440 Other Civil Rights	FORFEITURE/PENALTY	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)
<input type="checkbox"/> 891 Agricultural Acts	<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> 871 IRS-Third Party 26 USC 7609
<input type="checkbox"/> 893 Environmental Matters	REAL PROPERTY	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 690 Other	
<input type="checkbox"/> 895 Freedom of Info. Act	<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 443 Housing/Accommodations	LABOR	
<input type="checkbox"/> 896 Arbitration	<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 362 Personal Injury-Med Malpractice	<input type="checkbox"/> 445 American with Disabilities-Employment	<input type="checkbox"/> 710 Fair Labor Standards Act	
<input type="checkbox"/> 899 Admin. Procedures Act/Review of Appeal of Agency Decision	<input type="checkbox"/> 230 Rent Lease & Ejectment	<input type="checkbox"/> 365 Personal Injury-Product Liability	<input type="checkbox"/> 446 American with Disabilities-Other	<input type="checkbox"/> 720 Labor/Mgmt. Relations	
<input type="checkbox"/> 950 Constitutionality of State Statutes		<input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability	<input type="checkbox"/> 448 Education	<input type="checkbox"/> 740 Railway Labor Act	
		<input type="checkbox"/> 368 Asbestos Personal Injury Product Liability		<input type="checkbox"/> 751 Family and Medical Leave Act	
				<input type="checkbox"/> 790 Other Labor Litigation	
				<input type="checkbox"/> 791 Employee Ret. Inc. Security Act	

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

VIII. VENUE: Your answers to the questions below will determine the division of the Court to which this case will most likely be initially assigned. This initial assignment is subject to change, in accordance with the Court's General Orders, upon review by the Court of your Complaint or Notice of Removal.

Question A: Was this case removed from state court? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question B. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	STATE CASE WAS PENDING IN THE COUNTY OF:		INITIAL DIVISION IN CACD IS:
	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino		Eastern

Question B: Is the United States, or one of its agencies or employees, a party to this action? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No If "no," go to Question C. If "yes," check the box to the right that applies, enter the corresponding division in response to Question D, below, and skip to Section IX.	If the United States, or one of its agencies or employees, is a party, is it:		INITIAL DIVISION IN CACD IS:	
	A PLAINTIFF?	A DEFENDANT?		
	Then check the box below for the county in which the majority of DEFENDANTS reside.	Then check the box below for the county in which the majority of PLAINTIFFS reside.		
	<input type="checkbox"/> Los Angeles	<input type="checkbox"/> Los Angeles		Western
	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo	<input type="checkbox"/> Ventura, Santa Barbara, or San Luis Obispo		Western
	<input type="checkbox"/> Orange	<input type="checkbox"/> Orange		Southern
	<input type="checkbox"/> Riverside or San Bernardino	<input type="checkbox"/> Riverside or San Bernardino		Eastern
<input type="checkbox"/> Other	<input type="checkbox"/> Other	Western		

Question C: Location of plaintiffs, defendants, and claims? (Make only one selection per row)	A Los Angeles County	B Ventura, Santa Barbara, or San Luis Obispo Counties	C Orange County	D Riverside or San Bernardino Counties	E Outside the Central District of California	F Other
Indicate the location in which a majority of plaintiffs reside:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of defendants reside:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Indicate the location in which a majority of claims arose:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

C.1. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column C <input type="checkbox"/> only 1 answer in Column C and no answers in Column D Your case will initially be assigned to the SOUTHERN DIVISION. Enter "Southern" in response to Question D, below. If none applies, answer question C.2 to the right. →	C.2. Is either of the following true? If so, check the one that applies: <input type="checkbox"/> 2 or more answers in Column D <input type="checkbox"/> only 1 answer in Column D and no answers in Column C Your case will initially be assigned to the EASTERN DIVISION. Enter "Eastern" in response to Question D, below. If none applies, go to the box below. ↓
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Your case will initially be assigned to the
WESTERN DIVISION.
Enter "Western" in response to Question D below.

Question D: Initial Division?	INITIAL DIVISION IN CACD
Enter the initial division determined by Question A, B, or C above: →	WESTERN DIVISION

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
CIVIL COVER SHEET**

IX(a). IDENTICAL CASES: Has this action been previously filed in this court and dismissed, remanded or closed? ☒ NO ☐ YES

If yes, list case number(s): _____

IX(b). RELATED CASES: Have any cases been previously filed in this court that are related to the present case? ☒ NO ☐ YES

If yes, list case number(s): _____

Civil cases are deemed related if a previously filed case and the present case:

(Check all boxes that apply)

- ☐ A. Arise from the same or closely related transactions, happenings, or events; or
- ☐ B. Call for determination of the same or substantially related or similar questions of law and fact; or
- ☐ C. For other reasons would entail substantial duplication of labor if heard by different judges; or
- ☐ D. Involve the same patent, trademark or copyright, and one of the factors identified above in a, b or c also is present.

X. SIGNATURE OF ATTORNEY

(OR SELF-REPRESENTED LITIGANT):

DATE: January 17, 2014

Notice to Counsel/Parties: The CV-71 (JS-44) Civil Cover Sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law. This form, approved by the Judicial Conference of the United States in September 1974, is required pursuant to Local Rule 3-1 is not filed but is used by the Clerk of the Court for the purpose of statistics, venue and initiating the civil docket sheet. (For more detailed instructions, see separate instructions sheet).

Key to Statistical codes relating to Social Security Cases:

Nature of Suit Code	Abbreviation	Substantive Statement of Cause of Action
861	HIA	All claims for health insurance benefits (Medicare) under Title 18, Part A, of the Social Security Act, as amended. Also, include claims by hospitals, skilled nursing facilities, etc., for certification as providers of services under the program. (42 U.S.C. 1935ff(b))
862	BL	All claims for "Black Lung" benefits under Title 4, Part B, of the Federal Coal Mine Health and Safety Act of 1969. (30 U.S.C. 923)
863	DIWC	All claims filed by insured workers for disability insurance benefits under Title 2 of the Social Security Act, as amended; plus all claims filed for child's insurance benefits based on disability. (42 U.S.C. 405 (g))
863	DIWW	All claims filed for widows or widowers insurance benefits based on disability under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))
864	SSID	All claims for supplemental security income payments based upon disability filed under Title 16 of the Social Security Act, as amended.
865	RSI	All claims for retirement (old age) and survivors benefits under Title 2 of the Social Security Act, as amended. (42 U.S.C. 405 (g))